

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF MISSOURI**  
**WESTERN DIVISION**

<b>TINA DECKARD,</b>	)	<b>CIVIL ACTION</b>
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>NO.</b>
	)	
<b>ADESA MISSOURI, LLC, d/b/a</b>	)	
<b>ADESA KANSAS CITY</b>	)	<b>STATE COURT CASE NO. 20CA-CC00046</b>
	)	
	)	
<b>Defendant.</b>	)	

To: **United States District Court**  
**Western District of Missouri**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, 1445 and 1446, Defendant ADESA Missouri, LLC d/b/a ADESA KANSAS CITY, by and through its attorneys, hereby gives notice of the removal of this cause of action to the United States District Court Western District of Missouri. Defendant states the following as grounds for removal:

**PROCEDURAL STATUS OF THE CASE**

1. This is a personal injury action arising from an alleged slip and fall where Plaintiff was present on the premises of the Defendant's parking lot. *A true and correct copy of Plaintiff's Petition is included in the Pleadings comprising Exhibit "A" attached hereto.*

Plaintiff, Tina Deckard, alleges that while walking on the Defendant's premises, she slipped and fell on untreated ice. *See Exhibit "A."*

2. Plaintiff commenced this action on February 28, 2020, by filing her Petition in the Seventeenth Judicial Circuit Court of Cass County Missouri. The suit is numbered 20CA-

CC00046.

3. Defendant was served an Alias Summons. It was served on or about December 9, 2021, over 21 months after filing the Petition.

4. Pursuant to Local Rule 3.2 (a)(1)(A), this Notice of Removal is being filed in the Federal Court in Kansas City, Missouri, Western Division.

**BASIS FOR FEDERAL COURT ORIGINAL JURISDICTION**

5. In Plaintiff's Petition, Tina Deckard alleges she sustained multiple traumatic injuries as a result of the subject accident including an injury to her right ankle. *See* Exhibit "A."

6. Workers Compensation documents reflect a lien for related medical bills totaling just over \$85,000.00 and as such, the amount in controversy exceeds \$75,000.00.

7. Plaintiff's Petition indicates that the above-named Plaintiff is a citizen of the State of Missouri, and resides on Ditzler Avenue in Kansas City, Missouri. *See* Exhibit "A".

8. Defendant ADESA Missouri, LLC, is a limited liability company. The sole member of the limited liability company is ADESA, Inc.

9. ADESA, Inc. is a corporation organized under the laws of the state of Delaware with a principal place of business in Indiana.

10. Accordingly, there is complete diversity of citizenship between the parties at the time this Notice of Removal is being filed.

11. Because this action is between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over the claims alleged in Plaintiff's Petition under 28 U.S.C. § 1332(a).

### **PROPRIETY OF REMOVAL**

12. This Court has original jurisdiction of this matter under 28 U.S.C. § 1332(a).

13. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely in that it was not filed more than thirty (30) days from Defendant ADESA Missouri, LLC's receipt of the Petition.

14. This matter is properly removable under 28 U.S.C. §§ 1441(a) and (b).

15. Removal of this matter is not barred by 28 U.S.C. § 1445.

16. Pursuant to 28 U.S.C. § 1446(a), ADESA Missouri, LLC has attached hereto as Exhibit A copies of all process, pleadings and orders filed in this matter.

17. Pursuant to 28 U.S.C. § 1446(d), ADESA Missouri, LLC will file a copy of this Notice of Removal with the Circuit Court of Cass County, Missouri and will provide prompt notice to all adverse parties.

WHEREFORE, Defendant removes the above-captioned action from the Circuit Court of Cass County, Missouri to the United States District Court for the Western District of Missouri.

### **DESIGNATION OF PLACE OF TRIAL**

Pursuant to Local Rule 3.2 (a)(1)(A), Defendant hereby designates Kansas City, Missouri as the place of trial in this matter.

This 7<sup>th</sup> day of January 2022.

Respectfully submitted,

DYSART TAYLOR COTTER  
McMONIGLE & BRUMITT, P.C.

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